

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

PROCEDURE FOR SUBPOENAS

Amendments to Rule 45 of the Federal Rules of Civil Procedure became effective on December 1, 1991, which require the use of new subpoena forms. Rule 9016 of the Federal Rules of Bankruptcy Procedure makes Rule 45 applicable to bankruptcy cases.

The most significant changes to the subpoenas are:

- * Text of new subdivisions (c) and (d) of Rule 45, setting forth the rights and responsibilities of the person served, must be included on the subpoena;
- * A single subpoena may contain both a command to appear at trial, hearing or deposition and a command to produce evidence or inspection of premises;
- * Requirement of court seal eliminated;
- * Most subpoenas can be issued by attorneys as "officers of the court" and the Clerk will issue subpoenas only when requested by a party directly, i.e., litigant is *pro se*. *[The attorney may issue and sign a subpoena in a court in which the attorney is authorized to practice, or a court for a district in which a deposition or production is compelled by the subpoena if same pertains to an action pending in a court in which the attorney is admitted to practice.]*

The new forms are as follows:

**SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE
SUBPOENA IN AN ADVERSARY PROCEEDING
SUBPOENA FOR RULE 2004 EXAMINATION**

The new forms are available in the Clerk's Office and should be used effective immediately in all matters requiring a subpoena. Please note that the forms are two-sided and are printed head-to-foot; therefore, if you reproduce the forms in your office, please do the same.

Proof of service shall be made by filing with the Clerk's Office a statement of the date and manner of service and of the names of the persons served, certified by the person who made the service. *[A copy of the subpoena for each person served with the proof of service completed will satisfy this requirement.]*

For complete information on subpoenas, please refer to Rule 45 of the Federal Rules of Civil Procedure and Local Rule 9016-1 of the United States Bankruptcy Court for the Eastern District of Virginia.

CLERK, UNITED STATES BANKRUPTCY COURT